

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 SHANA A. BAGLEY  
Deputy Attorney General  
4 State Bar No. 169423  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 622-2129  
Facsimile: (510) 622-2270  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. *2011-312*

12 **REGINA ANNETTE GOODEN**  
13 **1834 8th Avenue, Apt. A**  
**Oakland, CA 94606-2577**

**ACCUSATION**

14 **Registered Nurse No. 553642**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
21 of Consumer Affairs.

22 2. On or about March 29, 1999, the Board of Registered Nursing issued Registered  
23 Nurse License No. 553642 to Regina Annette Gooden (Respondent). The Registered Nurse  
24 License was in full force and effect at all times relevant to the charges brought in this Accusation  
25 and will expire on November 30, 2012, unless renewed.

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## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 118, subdivision (b), of the Code provides that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

## STATUTORY PROVISIONS

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 2761 of the Code states, in part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct . . .

"(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it. . . .

1 “(f) Conviction of a felony or of any offense substantially related to the  
2 qualifications, functions, and duties of a registered nurse, in which event the record  
3 of the conviction shall be conclusive evidence thereof.”

4  
5 9. Section 2762 of the Code states, in part:

6 “In addition to other acts constituting unprofessional conduct within the meaning  
7 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person  
8 licensed under this chapter to do any of the following:

9 ...

10 “(b) Use any controlled substance as defined in Division 10 (commencing with  
11 Section 11000) of the Health and Safety Code, or any dangerous drug or  
12 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent  
13 or in a manner dangerous or injurious to himself or herself, any other person, or  
14 the public or to the extent that such use impairs his or her ability to conduct with  
15 safety to the public the practice authorized by his or her license.

17 “(c) Be convicted of a criminal offense involving the prescription, consumption,  
18 or self-administration of any of the substances described in subdivisions (a) and  
19 (b) of this section, or the possession of, or falsification of a record pertaining to,  
20 the substances described in subdivision (a) of this section, in which event the  
21 record of the conviction is conclusive evidence thereof. . . .”

22  
23 10. Section 2765 of the Code provides:

24 “A plea or verdict of guilty or a conviction following a plea of nolo contendere  
25 made to a charge substantially related to the qualifications, functions and duties of  
26 a registered nurse is deemed to be a conviction within the meaning of this article.  
27 The board may order the license or certificate suspended or revoked, or may  
28

1 decline to issue a license or certificate, when the time for appeal has elapsed, or the  
2 judgment of conviction has been affirmed on appeal or when an order granting  
3 probation is made suspending the imposition of sentence, irrespective of a  
4 subsequent order under the provisions of Section 1203.4 of the Penal Code  
5 allowing such person to withdraw his or her plea of guilty and to enter a plea of  
6 not guilty, or setting aside the verdict of guilty, or dismissing the accusation,  
7 information or indictment.”

### 8 9 **REGULATORY PROVISIONS**

10 11. California Code of Regulations, title 16, section 1444, states:

11 “A conviction or act shall be considered to be substantially related to the  
12 qualifications, functions or duties of a registered nurse if to a substantial degree it  
13 evidences the present or potential unfitness of a registered nurse to practice in a  
14 manner consistent with the public health, safety, or welfare. . . .”

### 15 16 **COST RECOVERY**

17 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
18 administrative law judge to direct a licentiate found to have committed a violation or violations of  
19 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
20 enforcement of the case.

### 21 **FIRST CAUSE FOR DISCIPLINE**

#### 22 **(Conviction of Crime Substantially Related to Registered Nursing)**

23 13. Respondent has subjected her license to disciplinary action under sections 490 and  
24 2761(f) of the Code in that she was convicted of an offense substantially related to the  
25 qualifications, functions, and duties of a Registered Nurse, within the meaning of California Code  
26 of Regulations, title 16, section 1444. The circumstances are as follows:

27 a. On or about January 4, 2006, in the criminal proceeding *People v. Regina Annette*  
28 *Gooden*, Alameda County Superior Court Case No. 513711, Respondent was convicted by a nolo

1 contendere plea of violating Vehicle Code section 23152, subdivision (b), (Driving With a Blood  
2 Alcohol Level of .08% or Higher), a misdemeanor.

3 b. Respondent was ordered to serve two days in county jail, serve three years of  
4 informal probation, complete a Level I DUI Course, pay fines, and comply with other terms and  
5 conditions.

6 c. The factual circumstances underlying the aforementioned offense are that on or about  
7 October 7, 2005, in Oakland, California, respondent was deemed to be at fault for a multiple car  
8 accident.

9 d. Factors in aggravation include that several persons were injured during the accident  
10 and Respondent's breath analysis test indicated that her blood alcohol level was .15 percent.

## 11 SECOND CAUSE FOR DISCIPLINE

### 12 (Unprofessional Conduct: Use of Alcohol in a Dangerous Manner)

13 14. Respondent has subjected her license to disciplinary action for unprofessional  
14 conduct under sections 2761, subdivision (a), and 2762, subdivision (b), of the Code in that  
15 Respondent used alcoholic beverages in a manner dangerous or injurious to herself, any other  
16 person, or the public. The circumstances are more particularly set forth in Paragraph 14, above.

## 17 THIRD CAUSE FOR DISCIPLINE

### 18 (Unprofessional Conduct: Alcohol-Related Conviction)

19 15. Respondent is subject to disciplinary action for unprofessional conduct under sections  
20 2761, subdivision (a), and 2762, subdivision (c), of the Code in that Respondent was convicted of  
21 an offense involving the consumption of alcoholic beverages. The circumstances are more  
22 particularly set forth in Paragraphs 14, above.

## 23 PRAYER

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
25 and that following the hearing, the Board of Registered Nursing issue a decision:

26 1. Revoking or suspending Registered Nurse License No. 553642, issued to Regina  
27 Annette Gooden;  
28

3. Taking such other and further action as deemed necessary and proper.

*Louise R. Bailey*  
LOUISE R. BAILEY, M.ED., RN

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